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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,723	11/28/2001	Satoshi Nishikawa	35.G2949	8316

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EXAMINER

QIN, YIXING

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,723	Applicant(s) NISHIKAWA ET AL.	
	Examiner Yixing Qin	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/17/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 21-30 are directed towards a computer program and are non-statutory. Please see below :

(A) The following claim format is unacceptable and subject to a 101 rejection:

"A computer program product for performing the steps of ..."

Such a claim is **non-statutory** because the terminology "computer program product" alone has no set definition.

(B) The following claim formats are acceptable and not subject to a 101 rejection:

"A computer program embodied in a computer readable medium for performing the steps of ..."

"A computer readable medium storing a program for performing the steps of..."

A statutory product with descriptive material must include a positive recitation of the computer readable medium -- MPEP 2106, case law, USPTO policy, all are founded on this.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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I. Claims 1, 2, 11, 12, 21, 22, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyake (U.S. Patent No. 6,188,490).

1. Claims 1, 11, 21 and 31

Miyake discloses in :

- Fig. 3 items 94 and 95 in the layout mode box for entering data corresponding to the layout of a page and the n-page number to put on one sheet.
- Fig. 4 items E3, E4, F3 and F4 for arranging a layout of a page. Also see column 4, lines 10-29.
- Fig. 4 item E5 (print data generation reduction layout) for producing print data to be printed. One can see from the arrows that it uses various layout (**arrangement**) information.

2. Claims 2, 12, 22 and 32

Miyake discloses in :

- Fig. 5 that the top figure on the right shows a page that is arranged and printed. One can see that the margins are subtracted from the printed picture.

Claim Rejections - 35 USC § 103

II. Claims 4, 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake (U.S. Patent No. 6,188,490) in view of the applicant's admitted prior art in the background of the invention ("background").

4. Claims 4, 14 and 24

- Miyake does not go into great detail about the drawing function of an application. However, one can see in Fig. 4 of Miyake that there is an application AP that sends information to the print data generation means E5.
- The applicant's background, however, discloses the limitations of this claim on page 2, paragraph [0003].

III. Claims 3, 5-10, 13, 15-20, 23, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake (U.S. Patent No. 6,188,490) in view of Holt (U.S. Patent No. 5,495,561)

3. Claims 3, 13 and 23

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- Miyake does not explicitly disclose the limitation of claim 3 for which there is offset processing while including the margins in the image.
- Holt discloses in Fig. 14C an n-up image consisting of four pages. This looks similar to the Applicant's Fig. 21C. Also see Holt, column 18, lines 3-9.
- Holt also shows various calculations for offsets – i.e. see Fig. 11 of Holt.

5. Claims 5, 15 and 25

- Again, Miyake does not go into great detail about the drawing function.
- Holt discloses in Fig. 6 and column 10, lines 35-52 the process of getting printable information from a program. Lines 49-52 discloses that the information could be gotten from a drawing program, which would inherently have a drawing function. The drawing means of the OS can be the GDI function of windows, which is a well known application for drawing in the Windows OS environment.
- One can see in Fig. 6 that the drawing information is relayed to the printing interface. Also note that in Miyake, Fig. 4 that the information from an application (obvious to be drawing information) is sent to the print data generation means.

6. Claims 6, 16 and 26

- Miyake discloses in Fig. 3 items 94 and 95 in the layout mode box for entering data corresponding to the layout of a page and the n-page number to put on one sheet. Miyake, however, only discloses in Fig. 5 on type of layout.
- Holt, on the other hand, discloses in Fig. 14A-C different layouts that can be printed. Holt discloses in column 17, lines 56-67 and column 18, lines 1-9 that the MacDraw program can output these different layouts.
- These are all outputs of various routines that MacDraw can perform, and it would be obvious that a determination would be made for which routine to perform based on the type of the output that is needed. Holt also discloses in column 32, lines 8-66 a printing example of printing four pages on one page (lines 8-11). Lines 38-52 discloses the use of various functions to define the page size and printable area, which is analogous to determining which type of N-page printing is performed (physical or printable region).

7. Claims 7, 17 and 27

- Again, from Holt, column 32, lines 51-63, one can see that various rectangular coordinates (i.e. **conditions**) for determining the page size and printable area is used. The **condition acquiring means** can be the program or function that gets these variables. It would be obvious that, depending on the coordinates put in, the images on the page can be manipulated to look like the ones in Holt, Fig. 14, which is analogous to the physical and printable region N-page layouts being claimed.

8. Claims 8, 18 and 28

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- Again, from claim 6 above, the example given said there was to be four copies that was to appear on one page. This combined with the condition information as explained in claim 7 above meets the limitations of this claim.

9. Claims 9, 19 and 29

- One can see in Fig. 3 of Miyake that there is a place for sheet size. In this case the size is A4. This combined with the explanations of the Holt reference above meets the limitations of this claim.

10. Claims 10, 20 and 30

- Although neither reference discloses much about an external device providing information, the input of information from an external device (such as a print server) is well-known.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381.

The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2

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